

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

THOMAS and MICHELLE RINKER, :

Plaintiffs : **CIVIL ACTION NO. 3:15-1293**

v. : **(JUDGE MANNION)**

SCOTT AMORI, ESQ., et al., :

Defendants :

ORDER

For the reasons set forth in the Memorandum of this date, **IT IS
HEREBY ORDERED THAT:**

1. Amori defendants' motion to dismiss, (Doc. [43](#)), is **DENIED** with respect to plaintiff Thomas Rinker's claims against them in Counts I and II of the SAC, (Doc. [40](#)), and these claims against Amori defendants will **PROCEED**.
2. Amori defendants' motion to dismiss, (Doc. [43](#)), is **GRANTED** with respect to plaintiffs' claims against them in Count III of the SAC, (Doc. [40](#)), and this claim against Amori defendants is **DISMISSED WITH PREJUDICE**.
3. Plaintiff Michelle Rinker is **DISMISSED WITH PREJUDICE** from this case.
4. The motion of defendant Marsh, (Doc. [45](#)), to dismiss plaintiff Thomas Rinker's claims in Counts II and III of the SAC, (Doc. [40](#)), is **GRANTED** and these claims are **DISMISSED WITH PREJUDICE** as against Marsh.
5. The motion of defendant Marsh, (Doc. [45](#)), to dismiss plaintiff Thomas Rinker's claim in Count I of the SAC, (Doc. [40](#)), is **DENIED** and this claim as against Marsh will **PROCEED**.
6. Plaintiff Thomas Rinker's claims for emotional distress and for attorney's fees in his SAC are

DISMISSED WITH PREJUDICE, and the allegations in the SAC referencing “recklessness” are **STRICKEN**.

7. Amori defendants and defendant Marsh are directed to file their answers to the remaining claims against them in plaintiff Thomas Rinker’s SAC on or before April 8, 2016.

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge

Dated: March 22, 2016

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